

The Westfield-Washington Advisory Plan Commission met at 7:00 p.m. on Monday, January 28, 2008 at Westfield City Hall. Members present were Dan Degnan, Pete Emigh, Bob Horkay, Ginny Kelleher, Bill Sanders, Bob Smith, Cindy Spoljaric, and Rob Stokes. Also present were Greg Anderson, Director; Pat Leuteritz, Community Development; and City Attorney, Brian Zaiger.

### **OPENING OF MEETING**

At the request of President Smith, Anderson stated there were no changes to the agenda.

Anderson announced Mr. Bart Gauker has resigned from the Advisory Plan Commission; he stated Mayor Cook will be appointing a new member by the February 11 City Council Meeting.

Anderson announced continuance requests including, 0708-DP-12 & 0708-SPP-03, which staff requested be continued to the February 4, APC Workshop meeting; 0708-REZ-03, which the petitioner has asked for a continuance to the April 7, APC Workshop meeting and the April Public Hearing meeting; and 0708-REZ-04, which the petitioner has requested be continued to the April 7, APC Workshop meeting and April Public Hearing meeting as well.

Anderson stated that 0710-DP-14 & 0710-SIT 11 has been withdrawn by the petitioner.

### **Approval of November 26, 2007 Minutes**

Spoljaric asked for clarification at the bottom of Page 5 where Zaiger states, "No vote will be taken." She also asked for her comments to be added regarding the Park Impact Fee being increased beyond what was being proposed.

Horkay stated he also wants his comments included regarding the increase of the Park Impact Fee. He also questioned Herring's response to, "Break ground in December," regarding Lantern Commons.

Spoljaric moved to approve the November 26, 2007 minutes as amended.

Horkay seconded, and the motion passed by voice vote.

Kelleher moved to adopt the amendments to the minutes.

Stokes seconded, and the motion passed by voice vote.

### **Adoption of APC Rules of Procedure**

Anderson reviewed the changes to the Rules of Procedures.

Spoljaric asked for clarification on the length of terms.

Anderson clarified that the Council appointments are one year terms; however, the Commission members at this point are each serving a four-year term.

Kelleher commented on the differences from the previous Rules of Procedures.

Sanders asked if there would be more notice on the training schedule.

Anderson responded yes, a training schedule could be put together.

Kelleher moved to adopt the new Westfield Washington Plan Commission Rules of Procedures effective January 28, 2008.

Emigh seconded, and the motion passed by voice vote.

Leuteritz read the General Procedures and the Rules of Conduct.

Emigh moved to open the Public Hearing.

Sanders seconded, and the motion passed by voice vote.

Mr. Chuck Wright, PC Wright and Company, stated his agreement with staff to continue 0708-DP-12 & 0708-SPP-03 to the February 4, APC Workshop meeting.

## **NEW BUSINESS**

0711-PUD-05      NE Corner of 161<sup>st</sup> Street and Carey Road, Nelson and Frankenberger requests an amendment to Section H1, "The Preserve," of the Bridgewater PUD.

Anderson reviewed the staff report and petition history.

Mr. Charlie Frankenberger, Nelson & Frankenberger, introduced Mr. Steve Henke, Throgmartin-Henke Development, and reviewed the details of the amendment request which is to change the text amendment to the 14-acre parcel located in the northeast corner of Carey Road and 161<sup>st</sup> Street, The Preserve. He explained that the request is to no longer require the minimum side yard but to retain the minimum building separation. He stated the distance between the homes will remain the same as it was before the text amendment; however, what will be different is there will no longer be a requirement that the side of the home be separated by five feet by the side lot line. He further clarified that in other words, the homes can shift a little bit left or right, but if so, then the adjacent homes must correspondingly shift so that the distance between the homes will still be ten feet.

Spoljaric asked if the petitioner has met with the neighbors.

Frankenberger responded yes, about 300 notices were sent.

Henke responded yes, and there were no concerns expressed by the neighbors.

Spoljaric asked if there was still a forty-foot separation distance, building setback in the rear, or landscape easement, between Brookside and this section.

Henke stated he believes there is a forty-foot separation on the landscape easement and whatever is required, nothing else changes, only the side yard setbacks.

Smith closed the public hearing at 8:40 p.m.

Emigh moved to send 0711-PUD-05 to the Westfield City Council with a positive recommendation.

Kelleher seconded, and the motion passed by voice vote.

0712-REZ-06                      4005 Westfield Road, Indiana Members Credit Union requests change in zoning of approximately 5.5 acres from GO to GB.

Sanders moved to open the Public Hearing for 0712-REZ-06 at 7:40 p.m.

Emigh seconded, and the motion passed by voice vote.

Anderson reviewed the staff report and explained the options of the Commission. Anderson also discussed the commitments stating staff has reviewed and agreed with the Commitments.

Mr. Mac Martin, Indiana Members Credit Union presented the details of the request as well as the history of the petition. He stated that a document with covenants and restrictions has been filed with the Hamilton County Recorder's Office on the remaining two acres, which limits the uses on the lots and sets building and landscaping requirements.

Smith asked if the intent was to sell the remaining 2.5 acres.

Martin responded options are being kept open, but it would all depend on the proposed use. He further stated with the restrictions, the uses would be controlled. Martin also asked the Commission if there were other uses the Commission would like to see restricted.

Kelleher asked if platted restrictions could be forwarded to the Commission members.

Anderson stated copies of the platted restrictions would be made available to the Commission.

Kelleher suggested the Commission review the use list and get feedback to Anderson.

Anderson confirmed he would email the Commission the use list, which they could fill in their responses. Anderson further stated he would then forward the responses to the Commission members for review at the Workshop meeting.

Sanders asked if there is any kind of dimension given on the proposed plat as to what the depth of the proposed building would be from front to back.

Martin responded he did not recall.

Anderson responded that this would be reviewed when the petition goes through development plan review.

Kelleher moved to send 0712-REZ-06 to the February 4th APC Workshop meeting.

Horkay seconded, and the motion passed by voice vote.

0801-ZOA-01      WC 16.04.165 Development Plan Review, Revisions to Section 16.04.165  
Development Plan Review of the Westfield-Washington Township Zoning  
Ordinance to provide for changes to the timing of mailed legal notice, proposed by  
Westfield Community Development.

Emigh moved to open the Public Hearing for 0801-ZOA-01 at 8:03 p.m.

Kelleher seconded, and the motion passed by voice vote.

Anderson reviewed the staff report and explained the proposed revisions.

Spoljaric moved to send 0801-ZOA-01 to the Westfield City Council with a positive recommendation.

Sanders seconded, and the motion passed by voice vote.

0801-ZOA-02      WC 16.04.170 Board of Zoning Appeals, Revisions to Section 16.04.170 Board of  
Zoning Appeals of the Westfield-Washington Township Zoning Ordinance to  
establish criteria for the grant of Special Exceptions, proposed by Westfield  
Community Development.

Anderson reviewed the staff report.

Sanders moved to open the Public Hearing for 0801-ZOA-02 at 8:05 p.m.

Kelleher seconded, and the motion passed by voice vote.

Spoljaric asked if the addition was taken from the Indiana Code.

Anderson responded yes.

Kelleher moved to send 0801-ZOA-02 to the Westfield City Council with a positive recommendation.

Emigh seconded, and the motion passed by voice vote.

0801-ZOA-03            WC 16.04.210 Definitions, Revisions to Section 16.04.210 Definitions of the Westfield-Washington Township Zoning Ordinance to modify sign definitions, proposed by Westfield Community Development.

Sanders moved to open the Public Hearing for 0801-ZOA-03 at 8:08 p.m.

Emigh seconded, and the motion passed by voice vote.

Anderson reviewed the staff report.

Horkay expressed concern regarding the definition of Front Building Elevation.

Anderson recommended working further on the definitions.

Horkay moved to continue 0801-ZOA-03 to the February 4th APC Workshop meeting.

Sanders seconded, and the motion passed by voice vote.

0801-ZOA-04            WC 16.07.010 Lighting, Revisions to Section 16.07.010 Lighting of the Westfield-Washington Township Zoning Ordinance to provisions for sign lighting, proposed by Westfield Community Development.

Kelleher moved to open the Public Hearing on 0801-ZOA-04 at 8:12 p.m.

Emigh seconded, and the motion passed by voice vote.

Anderson reviewed the staff report.

Kelleher asked if the word “neon” was necessary since the technology is changing.

Anderson stated the word “neon” could be removed.

Sanders moved to remove the word “neon” from 0801-ZOA-04.

Emigh seconded, and the motion passed by voice vote.

Sanders moved to send 0801-ZOA-04 as amended to the Westfield City Council with a positive recommendation.

Stokes seconded, and the motion passed by voice vote.

Spoljaric asked if a roll call vote was necessary during rezone requests.

Zaiger responded no.

08-01                      Lantern Commons Tax Increment Finance (TIF) District, Request from the Redevelopment Commission to issue an Order confirming that the Lantern Commons TIF Economic Development Plan is compliant with the Thoroughfare Plan as a component of the Comprehensive Plan

Kelleher moved to open the Public Hearing for 08-01 Lantern Commons TIF District request at 8:16 p.m.

Sanders seconded, and the motion passed by voice vote.

Anderson reviewed the request.

Zaiger stated this is a request from the Redevelopment Commission asking for an order from the Plan Commission stating that the area plan adopted for the Lantern Commons area conforms to the Comprehensive Plan. He further explained that on this rezone, the Comprehensive Plan was amended to conform to the Thoroughfare Plan which was adopted by reference earlier, and that the Redevelopment Commission is requesting this order so it can be made part of their records when they create the TIF district.

Smith reiterated the issue is whether this is complaint with the Thoroughfare Plan.

Discussion followed about confusion between the Comprehensive Plan and the Thoroughfare Plan.

Zaiger explained the Thoroughfare Plan has been adopted as part of the Comprehensive Plan.

Kelleher asked for a statement from staff that this has been reviewed and is consistent with the Thoroughfare Plan.

Zaiger asked Anderson if after reviewing the Thoroughfare Plan whether it is compliant with the plan that was adopted.

Smith asked Anderson if the proposal from Lantern Commons is compliant with the Thoroughfare Plan as a component of the Comprehensive Plan.

Anderson responded yes.

Smith reiterated that staff is recommending that the Commission issue an order as requested by the Redevelopment Commission.

Degnan moved to issue an order confirming that the Lantern Commons TIF Economic Development Plan is compliant with the Thoroughfare Plan as a component of the Comprehensive Plan as requested by the Redevelopment Commission.

Emigh seconded, and the motion passed by voice vote.

**REPORTS**

Anderson discussed the Springmill & 161<sup>st</sup> Special Study Update stating that the staff has been working to put together a Community Design Gallery including on line and open house formats in the coming weeks. Dates and times will be posted on the City website and the Community Development homepage for the special study area.

The meeting adjourned at 8:23 p.m.

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President

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Secretary